

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**PROGRESSIVE AMERICAN
INSURANCE COMPANY,**

Plaintiff,

v.

CAROL THORN; JOLEEN LEEA COLON; DALE EUGENE KIRKINDOLL; ELIZABETH S. KIRKINDOLL; THOMAS HOLT KIRKINDOLL; JAMES W. GRIFFIN; SANDRA L. GRIFFIN; PATRICK A. BELT; CHRISTOPHER B. BELT; GENE STEGMAIER; ESTATE OF WILLIAM R. KLAUSS, a deceased minor; ESTATE OF CHERETY THORN, a deceased minor; LV STABLER MEMORIAL HOSPITAL; BRPT LAKE REHABILITATION CENTER; BUTLER COUNTY EMERGENCY SERVICES

CIVIL ACTION #: 2:06cv717-SRW

Defendants.

**DEFENDANTS' DALE EUGENE KIRKINDOLL, ELIZABETH S. KIRKINDOLL &
THOMAS HOLT KIRKINDOLL REQUEST FOR ADMISSIONS TO PROGRESSIVE
AMERICAN INSURANCE COMPANY**

COMES NOW the Defendants Dale Eugene Kirkindoll, Elizabeth S. Kirkindoll, and Thomas Holt Kirkindoll, and request Plaintiff Progressive American Insurance Company admit the truth of the following facts within the time described by Rule 36 of the Federal Rules of Civil Procedure.

1. Admit or deny that Plaintiff Progressive American Insurance Company (Progressive) had no knowledge of any valid subrogation claims, hospital liens, or any other competing claims on the Carol Thorn policy, at the time the interpleader was filed, against any of the following:

- a. BRPT Lake Rehabilitation Center;
- b. Butler County Emergency Medical Services;
- c. Baton Rouge Clinic;
- d. Our Lady of the Lake Regional Medical Center;
- e. Baton Rouge Orthopaedic Clinic, LLC;
- f. State Farm Health Insurance;
- g. GEMS, Inc.
- h. Schumacher Medical Group of Alabama;
- i. Southern National Life Insurance Co., d/b/a Benefit Management Services;
- j. Carol Thorn;
- k. Joleen Leea Colon;
- l. James W. Griffin;
- m. Sandra L. Griffin;
- n. Patrick A. Belt;
- o. Christopher B. Belt;
- p. Gene Stegmaier;
- q. Estate of William R. Klauss, a deceased minor; and
- r. Estate of Cherety Thorn, a deceased minor.

2. Admit or deny that Progressive had no knowledge of any valid subrogation claims, hospital liens, or any other competing claims on the Carol Thorn policy, at the time this Request for Admissions was filed, against any of the entities listed in Request for Admission #1 above.
3. Admit or deny that Progressive currently has no knowledge of any valid subrogation claims, hospital liens, or any other competing claims on the Carol Thorn policy against any of the entities listed in Request for Admission #1
4. Admit or deny that before filing the interpleader Progressive failed to determine whether or not there were any valid subrogation claims, hospital liens, or any other competing claims on the Carol Thorn policy by any of the following:
 - a. BRPT Lake Rehabilitation Center;
 - b. Butler County Emergency Medical Services;
 - c. Baton Rouge Clinic;
 - d. Our Lady of the Lake Regional Medical Center;
 - e. Baton Rouge Orthopaedic Clinic, LLC;
 - f. State Farm Health Insurance;
 - g. GEMS, Inc.
 - h. Schumacher Medical Group of Alabama;
 - i. Southern National Life Insurance Co., d/b/a Benefit Management Services;
 - j. Carol Thorn;
 - k. Joleen Leea Colon;

- l. James W. Griffin;
 - m. Sandra L. Griffin;
 - n. Patrick A. Belt;
 - o. Christopher B. Belt;
 - p. Gene Stegmaier;
 - q. Estate of William R. Klauss, a deceased minor; and
 - r. Estate of Cherety Thorn, a deceased minor.
5. Admit or deny that Progressive failed to adequately investigate whether there were any valid subrogation claims, hospital liens, or any other competing claims on the Carol Thorn policy by the entities mentioned above.

Respectfully Submitted,

/s/ SIDNEY W. JACKSON, III
SIDNEY W. JACKSON, III(JAC024)
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